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5 Attorney for Plaintiffs

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
8 PRESCOTT DIVISION

8 Tony Manzo, *et al.*

No. 3:22-cv-8081-PCT-JJT

9 Plaintiffs,

10 v.

**DECLARATION OF JUDY
KINSINGER**

11 Engrained Cabinetry and Countertops,
12 LLC, Inspired Closets of Arizona, LLC,
and Thomas Corkery,

13 Defendants.

14 I, Judy Kinsinger, do hereby swear, affirm and attest as follows, based upon my
15 personal knowledge of the matters contained herein:

16 1. My name is Judy Kinsinger; I am over the age of 18 and duly qualified
17 to execute this declaration.

18 2. I worked for Defendants Engrained Cabinetry and Countertops, LLC,
19 and Thomas Corkery as a closet consultant/ designer from approximately September
20 of 2019 until January of 2022.

1 3. As a closet consultant/ designer, I designed and sold closet and storage
2 solutions for Defendants' customers according to the customer and Defendants' needs
3 and specifications.

4 4. Specifically, I used a computer program to design custom storage
5 solutions for Defendants' customers.

6 5. During the first few months of my employment, I received a salary from
7 Defendants. After the first few months, my sole source of income was commissions
8 on sales.

9 6. My design work for customers took more than 40 hours per week. To
10 run a design from start to finish, I had to physically take measurements of the space I
11 was designing for, interview the customer about their needs and budget, run price
12 points on all materials required, create the physical design, and create a quote for the
13 customer.

14 7. If the customer moved forward, I also supervised the installation process
15 and ensured everything was to customer satisfaction.

16 8. The amount of time this took obviously varied based on the size of the
17 job; some could take as little as 20 hours and some could take several weeks. I ran
18 about 40 jobs at a time.

19 9. Because my income was commission-based, the more sales I made the
20 more income I earned. I regularly worked after business hours in order to finish up
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1 quotes and designs so that I could move projects forward. Defendants didn't ask me
2 not to work after-hours, nor did they require me to track my time.

3 10. I probably worked at least 50 hours per week solely on making designs
4 and quotes.

5 11. Defendants also scheduled closet consultants/ designers to work regular
6 shifts in the showroom. I worked several 8-hour shifts per week in the showroom, and
7 I also spent unscheduled time in the showroom on the weekends, working with clients.
8 This was in addition to the roughly 50 hours I worked in making designs and quotes.

9 12. I hardly ever received my full commission. Defendants almost always
10 deducted portions of my commission for any error I made in the design such as a
11 mismeasurement or an incorrect material.

12 **PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF**
13 **PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA**
14 **THAT THE FOREGOING IS TRUE AND CORRECT.**

15 Executed on this 25th day of October, 2023.

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17 JUDY KINSINGER
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